



501.37916CX1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: NISHIYAMA et al
Serial No.: 09/987,465
Filed: November 14, 2001
For: Liquid Crystal Display
Art Unit: 2875
Examiner: T. Sember

REQUEST FOR RECONSIDERATION

Mail Stop: Amendment (Fee)
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 15, 2004

Sir:

The following remarks are respectfully submitted in connection with the above-identified application in response to the Office Action dated December 15, 2003.

The allowance of claims 6 - 20 is acknowledged.

Applicants note that the Examiner has indicated that "Applicants' request for reconsideration arguments, filed 09/10/2003, with respect to the rejection of claims 1 - 2 and 20 - 23 in light of Matsumoto et al in view of Piejak et al have been fully considered and are persuasive." The Examiner in the office action of December 15, 2003 provides a single rejection in paragraph 3 of page 2 of the office action of "Claims 1 - 5 are rejected under 35 USC 102(a) as being anticipated by Wessels et al." This rejection is traversed and reconsideration and withdrawal of the rejection are respectfully requested.

Applicants note that in the Office Action Summary under the heading "Disposition of Claims," box 6 is marked indicating that "claim(s) 1 - 5 and 20 - 23 is/are rejected." Additionally, under the heading "Response to Arguments" at page 3 of the office action, the Examiner indicates that "applicants' arguments with respect to claims 1 - 5 and 21 - 23 have been considered but are moot in view of the new ground(s) of rejection." Applicants note that the office action of December 15, 2003 contains a single ground of rejection of claims 1 - 5 and there is no stated ground of rejection of claims 21 - 23. Accordingly, applicants submit that since there is no stated ground of rejection of claims 21 - 23, claims 21 - 23 are considered to be allowable over the cited art at this time.

As to the requirements to support a rejection under 35 USC 102, reference is made to the decision of In re Robertson, 49 USPQ 2d 1949 (Fed. Cir. 1999), wherein the court pointed out that anticipation under 35 U.S.C. §102 requires that each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. As noted by the court, if the prior art reference does not expressly set forth a particular element of the claim, that reference still may anticipate if the element is "inherent" in its disclosure. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." Moreover, the court pointed out that inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

In setting forth the rejection based upon Wessels et al, the Examiner contends that "Wessels et al a liquid crystal display panel 3 for modulating light to form a

image and a backlight unit having a plurality of lamp tubes (2) ... a plurality of groups of electrodes are constructed so that electrodes in each group are arranged in a substantially line configuration with respect to a direction transverse to an extending direction of a respective one of said lamp tubes and electrically inner connected with an electrode of an adjacent lamp tube." (emphasis added). Applicants submit that the Examiner has mischaracterized the disclosure of Wessels et al and has taken language from different claims in attempting to apply Wessels et al to the claimed invention.

Turning to independent claim 1, for example, this claim recites features of a backlight unit as illustrated in Fig. 4 of the drawings of the application, wherein a plurality of lamp tubes 35 are provided and have outside electrodes 35c and 35d disposed along an outer surface of at least one of the plurality of lamp tubes wherein one outside electrode (35d) disposed at the at least one of the plurality of lamp tubes is electrically connected with another outside electrode disposed at an adjacent another of the plurality of lamp tubes. That is, as illustrated, the outside electrodes 35d as well as the outside electrodes 35c of one of the plurality of lamp tubes is/are electrically connected to an outside electrode of an adjacent one of the plurality of lamp tubes. It is noted that the aforementioned features of claim 1 are substantially also set forth in independent claim 21 of this application.

Turning to Wessels et al, irrespective of the Examiner's contentions that Wessels et al discloses "a backlight unit having a plurality of lamp tubes 2 ..." applicants submit that the disclosure of Wessels et al is that of a single low-pressure discharge lamp 2 formed of a tubular discharge vessel 20 as clearly illustrated in Fig. 20 of the drawings of this patent, which single discharge lamp 2 has ends 24a and 24b at which are provided first and second electrodes 23a and 23b with a further

external electrode 23c being provided at a central portion of the discharge vessel 20 of the lamp as described in column 4, lines 1 - 7 of Wessels et al. Thus, irrespective of the contentions by the Examiner, Wessels et al does not disclose a plurality of lamp tubes nor that one of the plurality of lamp tubes is arranged adjacent to another of the plurality of lamp tubes nor that an outside electrode of the one of the plurality of lamp tubes is electrically connected to an outside electrode of an adjacent another one of the plurality of lamp tubes, as recited in the claims of this application. Thus, irrespective of the Examiner's contentions, whether or not the discharge vessel is serpentine shaped as recited in dependent claims 4 and 8 of Wessels et al, the serpentine shape does not provide a plurality of lamp tubes nor a construction in which outside electrodes of one of the plurality of lamp tubes is electrically connected to an outside electrode of an adjacent another one of the plurality of lamp tubes. As noted above, such recited features are set forth in each of independent claims 1 and 21, and applicants submit that the independent and dependent claims under rejection, whatever such claims may be, patentably distinguish over Wessels et al in the sense of 35USC 102 and all claims should be considered allowable thereover.

Applicants note that while independent claims 1 and 21 recite the feature of "a plurality of lamp tubes" and the electrical connected as discussed above, independent claim 4 recites the feature of "a backlight unit having at least one lamp tube ..." which is directed to the arrangement as illustrated in Figures 18 and 19 of the drawings of this application "wherein said at least one lamp tube has a plurality of substantially parallel line portions and at least one bent portion, at least one outside electrode disposed at each line portion, and said at least one outside electrode disposed at one of said plurality of substantially parallel line portions of said at least

one lamp tube is electrically connected with another of said at least one outside electrode disposed at an adjacent another of said plurality of substantially parallel line portions of said at least one lamp tube". (emphases added) That is, as shown in Figures 18 and 19, the at least one lamp tube has parallel line portions as well as at least one bent portion and outer electrodes 35c and 35d in which an outer electrode 35c or 35d of one of the substantially parallel line portions is electrically connected with another of the at least one outside electrode 35c or 35d disposed at an adjacent another of the plurality of substantially parallel line portions of the at least one lamp tube. Referring to Wessels et al, while this patent may be considered to disclose at least one lamp tube with a plurality of substantially line portions, it is readily apparent that considering any one of the outside electrodes 23a, 23b and 23c, such outside electrodes are not electrically connected with an outside electrode on an adjacent one of the substantially parallel line portions, as is apparent from Figures 1 and 4 of Wessels et al. Thus, hereagain, applicants submit that claim 4 and dependent claim 5 recite structural features not disclosed by Wessels et al in the sense of 35 USC 102 and such claims should also be considered allowable at this time.

In view of the above remarks, applicants submit that all claims present in this application should now be in condition for allowance and issuance of an action of a favorable nature is courteously solicited.

Applicants note that submitted herewith is an Information Disclosure Statement and consideration of the documents submitted are respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli,

Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 501.37916CX1),
and please credit any excess fees to such deposit account.

Respectfully submitted,

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